

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HELEN R. POLLINGER, WILLIAM
POLLINGER,

Plaintiffs,

v.

CYPRUS AMAX MINERALS COMPANY,
et al.,

Defendants.

Civil Action No. 19-1041 (MAS) (TJB)

ORDER

On January 16, 2019, Plaintiffs Helen R. Pollinger and William Pollinger (collectively, “Plaintiffs”) filed suit against Revlon, Inc. (“Revlon”) and other defendants in the Superior Court of New Jersey, Law Division, Middlesex County (the “Middlesex Action”). (Compl., Notice of Removal, Ex. A., ECF No. 1-2.) On January 24, 2019, Revlon removed the Middlesex Action to this Court. (ECF No. 1.) On January 31, 2019, Plaintiffs filed a Motion to Remand. (ECF No. 10.) On February 7, 2019, Revlon filed a Motion to Withdraw Notice of Removal. (ECF No. 12.) Plaintiffs’ motion and Revlon’s motion are presently before the Court, and the Court grants both motions.

Revlon removed the Middlesex Action to this court asserting that “[t]his is a civil action over which this Court has original jurisdiction under 18 U.S.C. § 1332, based on diversity of citizenship and the amount in controversy, and is removable to this Court by [Revlon] pursuant to the provisions of 28 U.S.C. §§ 1441(b) and (c).” (Notice of Removal ¶ 9, ECF No. 1.) Plaintiffs contend that Revlon’s removal of the Middlesex Action pursuant to 28 U.S.C. § 1441 was improper because the Court does not have original jurisdiction of the matter. (Pls.’ Moving Br. 3-4, ECF No. 10-4.) Plaintiffs aver that the Court does not have original jurisdiction nor subject

matter jurisdiction because complete diversity does not exist between the parties. (*Id.*) Specifically, Plaintiffs are New Jersey citizens and two of the named defendants, Johnson & Johnson and Johnson & Johnson Consumer Companies, Inc., are also New Jersey citizens. (*Id.*) Revlon has conceded that its removal of the Middlesex Action was in error. (Def.'s Mot. to Withdraw, Ex. A., ECF No. 13 (stating "Our removal was made in error.")) The parties agree that Plaintiffs will not seek costs and fees as allowed by 28 U.S.C. § 1447(c). (*Id.*) The Court, accordingly, grants Plaintiffs' Motion to Remand and Revlon's Motion to Withdraw Notice of Removal.

For the reasons set forth above, and other good cause shown,

IT IS on this 15th day of February, 2019 **ORDERED** that:

1. Plaintiffs Motion to Remand (ECF No. 10) is **GRANTED**.
2. Revlon's Motion to Withdraw Notice of Removal (ECF No. 12) is **GRANTED**.
3. The Clerk of the Court shall remand this matter to the Superior Court of New Jersey, Law Division, Middlesex County.

s/Michael A. Shipp
MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE